

FIRST REGULAR SESSION

HOUSE BILL NO. 866

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOUCHER.

Read 1st time February 22, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2083L.011

AN ACT

To repeal sections 160.534, 173.250, 313.805, 313.820 and 313.835, RSMo 2000, and to enact in lieu thereof five new sections relating to gaming proceeds.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 160.534, 173.250, 313.805, 313.820 and 313.835, RSMo 2000, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 160.534, 173.250,
3 313.805, 313.820 and 313.835, to read as follows:

160.534. For fiscal year 1996 and each subsequent fiscal year, any amount of the
2 excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess
3 of the amount transferred to the school district bond fund as provided in section 164.303, RSMo,
4 shall be transferred to the state school moneys fund; **provided that for fiscal year 2002 and**
5 **each fiscal year thereafter all funds transferred from the gaming proceeds for education**
6 **fund in excess of the sum of the amount transferred to the school district bond fund for**
7 **fiscal year 2001 plus the amount transferred to the state school moneys fund for fiscal year**
8 **2001, shall be transferred to the Missouri college guarantee fund established pursuant to**
9 **section 173.830, RSMo.** Such moneys shall be transferred on a monthly basis and shall be
10 distributed in the manner provided in section 163.031, RSMo.

173.250. 1. There is hereby established a "Higher Education Academic Scholarship
2 Program" and any moneys appropriated by the general assembly for this program shall be used
3 to provide scholarships for Missouri citizens to attend a Missouri college or university of their
4 choice pursuant to the provisions of this section.

5 2. The definitions of terms set forth in section 173.205 shall be applicable to such terms

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

6 as used in this section. The term "academic scholarship" means an amount of money paid by the
7 state of Missouri to a qualified college or university student who has demonstrated superior
8 academic achievement pursuant to the provisions of this section.

9 3. The coordinating board for higher education shall be the administrative agency for the
10 implementation of the program established by this section, and shall:

11 (1) Promulgate reasonable rules and regulations for the exercise of its functions and the
12 effectuation of the purposes of this section, including regulations for granting scholarship
13 deferments;

14 (2) Prescribe the form and the time and method of awarding academic scholarships, and
15 shall supervise the processing thereof; and

16 (3) Select qualified recipients to receive academic scholarships, make such awards of
17 academic scholarships to qualified recipients and determine the manner and method of payment
18 to the recipient.

19 4. A student shall be eligible for initial or renewed academic scholarship if he or she is
20 in compliance with the eligibility requirements set forth in section 173.215 excluding the
21 requirement of financial need and undergraduate status, and in addition meets the following
22 requirements:

23 (1) Initial academic scholarships shall be offered in the academic year immediately
24 following graduation from high school to Missouri high school seniors whose composite scores
25 on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the
26 College Board are in the top three percent of all Missouri students taking those tests during the
27 school year in which the scholarship recipients graduate from high school. In the freshman year
28 of college, scholarship recipients are required to maintain status as a full-time student;

29 (2) Academic scholarships are renewable if the recipient remains in compliance with the
30 applicable provisions of section 173.215 and the recipient makes satisfactory academic degree
31 progress as a full-time student.

32 5. A student who is enrolled or has been accepted for enrollment as a postsecondary
33 student at an approved private or public institution beginning with the fall, 1987, term and who
34 meets the other eligibility requirements for an academic scholarship shall, within the limits of
35 the funds appropriated and made available, be offered an academic scholarship in the amount of
36 [two] **three** thousand dollars for the first academic year of study, which scholarship shall be
37 renewable in the amount of two thousand dollars annually for the second, third and fourth
38 academic years or as long as the recipient is in compliance with the applicable eligibility
39 requirements set forth in section 173.215, provided those years of study are continuous and the
40 student continues to meet eligibility requirements for the scholarship; provided, however, if a
41 recipient ceases all attendance at an approved public or private institution for the purpose of

42 providing service to a nonprofit organization, a state or federal government agency or any branch
43 of the armed forces of the United States, the recipient shall be eligible for a renewal scholarship
44 upon return to any approved public or private institution, provided the recipient:

- 45 (1) Returns to full-time status within twenty-seven months;
46 (2) Provides verification in compliance with coordinating board for higher education
47 rules that the service to the nonprofit organization was satisfactorily completed and was not
48 compensated other than for expenses or that the service to the state or federal governmental
49 agency or branch of the armed forces of the United States was satisfactorily completed; and
50 (3) Meets all other requirements established for eligibility to receive a renewal
51 scholarship.

52 6. A recipient of academic scholarship awarded under this section may transfer from one
53 approved Missouri public or private institution to another without losing eligibility for the
54 scholarship. If a recipient of the scholarship at any time withdraws from an approved private or
55 public institution so that under the rules and regulations of that institution he or she is entitled
56 to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund
57 attributable to the scholarship for that term to the coordinating board for higher education.

58 7. Other provisions of this section to the contrary notwithstanding, if a recipient has been
59 awarded an initial academic scholarship pursuant to the provisions of this section but is unable
60 to use the scholarship during the first academic year because of illness, disability, pregnancy or
61 other medical need or if a recipient ceases all attendance at an approved public or private
62 institution because of illness, disability, pregnancy or other medical need, the recipient shall be
63 eligible for an initial or renewal scholarship upon enrollment in or return to any approved public
64 or private institution, provided the recipient:

- 65 (1) Enrolls in or returns to full-time status within twenty-seven months;
66 (2) Provides verification in compliance with coordinating board for higher education
67 rules of sufficient medical evidence documenting an illness, disability, pregnancy or other
68 medical need of such person to require that that person will not be able to use the initial or
69 renewal scholarship during the time period for which it was originally offered; and
70 (3) Meets all other requirements established for eligibility to receive an initial or a
71 renewal scholarship.

313.805. The commission shall have full jurisdiction over and shall supervise all
2 gambling operations governed by sections 313.800 to 313.850. The commission shall have the
3 following powers and shall promulgate rules and regulations to implement sections 313.800 to
4 313.850:

- 5 (1) To investigate applicants and determine the priority and eligibility of applicants for
6 a license and to select among competing applicants for a license the applicant which best serves

7 the interests of the citizens of Missouri;

8 (2) To license the operators of excursion gambling boats and operators of gambling
9 games within such boats, to identify occupations within the excursion gambling boat operations
10 which require licensing, and adopt standards for licensing the occupations including establishing
11 fees for the occupational licenses and to license suppliers;

12 (3) To adopt standards under which all excursion gambling boat operations shall be held
13 and standards for the facilities within which the gambling operations are to be held.
14 Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may
15 authorize the operation of gambling games on an excursion gambling boat which is also licensed
16 to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering
17 structure for gambling excursions including providing a maximum loss of five hundred dollars
18 per individual player per gambling excursion **for all excursions prior to January 1, 2002,**
19 **provided that no limitation on loss shall be in effect on or after January 1, 2001, and**
20 **provided that any increased state excursion gambling boat proceeds deposited in the**
21 **gaming proceeds for education fund shall be transferred pursuant to section 160.534,**
22 **RSMo;**

23 (4) To enter the premises of excursion gambling boats, facilities, or other places of
24 business of a licensee within this state to determine compliance with sections 313.800 to
25 313.850;

26 (5) To investigate alleged violations of sections 313.800 to 313.850 or the commission
27 rules, orders, or final decisions;

28 (6) To assess any appropriate administrative penalty against a licensee, including, but
29 not limited to, suspension, revocation, and penalties of an amount as determined by the
30 commission up to three times the highest daily amount of gross receipts derived from wagering
31 on the gambling games, whether unauthorized or authorized, conducted during the previous
32 twelve months as well as confiscation and forfeiture of all gambling game equipment used in the
33 conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced
34 as provided in sections 513.600 to 513.645, RSMo;

35 (7) To require a licensee, an employee of a licensee or holder of an occupational license
36 to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules,
37 orders, or final orders, or other person deemed to be undesirable from the excursion gambling
38 boat or adjacent facilities;

39 (8) To require the removal from the premises of a licensee, an employee of a licensee,
40 or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a
41 commission rule or engaging in a fraudulent practice;

42 (9) To require all licensees to file all financial reports required by rules and regulations

43 of the commission;

44 (10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for
45 the production of books, records, and other pertinent documents, and to administer oaths and
46 affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce
47 sections 313.800 to 313.850 or the commission rules;

48 (11) To keep accurate and complete records of its proceedings and to certify the records
49 as may be appropriate;

50 (12) To ensure that the gambling games are conducted fairly. No gambling device shall
51 be set to pay out less than eighty percent of all wagers;

52 (13) To require all licensees of gambling game operations to use a cashless wagering
53 system whereby all players' money is converted to physical or electronic tokens, electronic cards,
54 or chips which only can be used for wagering on the excursion gambling boat;

55 (14) To require excursion gambling boat licensees to develop a system, approved by the
56 commission, that allows patrons the option to prohibit the excursion gambling boat licensee from
57 using identifying information for marketing purposes. The provisions of this subdivision shall
58 apply only to patrons giving identifying information for the first time. Such system shall be
59 submitted to the commission by October 1, 2000, and approved by the commission by January
60 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from
61 patrons who have elected to have marketing blocked under the provisions of this section only for
62 the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This
63 section shall not prohibit the commission from accessing identifying information for the
64 purposes of enforcing section 313.004 and sections 313.800 to 313.850;

65 (15) To determine which of the authorized gambling games will be permitted on any
66 licensed excursion gambling boat;

67 (16) Excursion gambling boats shall cruise, unless the commission finds that the best
68 interest of Missouri and the safety of the public indicate the need for continuous docking of the
69 excursion gambling boat in any city or county authorized pursuant to subsection 10 of section
70 313.812. The commission shall base its decision to allow continuously docked excursion
71 gambling boats on any of the following criteria: the docking location or the excursion cruise
72 could cause danger to the boat's passengers, violate federal law or the law of another state, or
73 cause disruption of interstate commerce or possible interference with railway or barge
74 transportation. In addition, the commission shall consider economic feasibility or impact that
75 would benefit land-based development and permanent job creation. The commission shall not
76 discriminate among applicants for continuous-docking excursion gambling that are similarly
77 situated with respect to the criteria set forth in this section;

78 (17) The commission shall render a finding concerning the possibility of continuous

79 docking, as described in subdivision (15) of this section, within thirty days after a hearing on any
80 request from an applicant or licensee. Such hearing may be held prior to any final action on
81 licensing to assist an applicant and any city or county in the finalizing of their economic
82 development plan;

83 (18) To require any applicant for a license or renewal of a license to operate an excursion
84 gambling boat to provide an affirmative action plan which has as its goal the use of best efforts
85 to achieve maximum employment of African-Americans and other minorities and maximum
86 participation in the procurement of contractual purchases of goods and services. This provision
87 shall be administered in accordance with all federal and state employment laws, including Title
88 VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license
89 renewal, the licensee will report on the effectiveness of the plan. The commission shall include
90 the licensee's reported information in its annual report to the joint committee on gaming and
91 wagering;

92 (19) To take any other action as may be reasonable or appropriate to enforce sections
93 313.800 to 313.850 and the commission rules.

313.820. 1. An excursion boat licensee shall pay to the commission an admission fee
2 of [two] **three** dollars for each person embarking on an excursion gambling boat with a ticket
3 of admission. One dollar **and fifty cents** of such fee shall be deposited to the credit of the
4 gaming commission fund as authorized pursuant to section 313.835, and one dollar **and fifty**
5 **cents** of such fee shall not be considered state funds and shall be paid to the home dock city or
6 county. Subject to appropriation, one cent of such fee deposited to the credit of the gaming
7 commission fund may be deposited to the credit of the compulsive gamblers fund created
8 pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee
9 from charging any amount deemed necessary for a ticket of admission to any person embarking
10 on an excursion gambling boat. If tickets are issued which are good for more than one excursion,
11 the admission fee shall be paid to the commission for each person using the ticket on each
12 excursion that the ticket is used. If free passes or complimentary admission tickets are issued,
13 the excursion boat licensee shall pay to the commission the same fee upon these passes or
14 complimentary tickets as if they were sold at the regular and usual admission rate; however, the
15 excursion boat licensee may issue fee-free passes to actual and necessary officials and employees
16 of the licensee or other persons actually working on the excursion gambling boat. The issuance
17 of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the
18 fee-free passes are issued shall be filed with the commission.

19 2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes,
20 property taxes or any other tax or fee now or hereafter lawfully levied by any political
21 subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes

22 or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision.
23 All state taxes not connected directly to gambling games shall be collected by the department of
24 revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the
25 department of revenue may furnish and the commission may receive tax information to
26 determine if applicants or licensees are complying with the tax laws of this state; however, any
27 tax information acquired by the commission shall not become public record and shall be used
28 exclusively for commission business.

313.835. 1. All revenue received by the commission from license fees, penalties,
2 administrative fees, reimbursement by any excursion gambling boat operators for services
3 provided by the commission and admission fees authorized pursuant to the provisions of sections
4 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may
5 be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be
6 deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby
7 created for the sole purpose of funding the administrative costs of the commission, subject to
8 appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling
9 operations. Moneys deposited into the gaming commission fund shall be considered state funds
10 pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the
11 gaming commission fund shall be credited to the gaming commission fund. In each fiscal year,
12 total revenues to the gaming commission fund for the preceding fiscal year shall be compared
13 to total expenditures and transfers from the gaming commission fund for the preceding fiscal
14 year. The remaining net proceeds in the gaming commission fund shall be distributed in the
15 following manner:

16 (1) The first five hundred thousand dollars shall be appropriated on a per capita basis to
17 cities and counties that match the state portion and have demonstrated a need for funding
18 community neighborhood organization programs for the homeless and to deter gang-related
19 violence and crimes;

20 (2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and
21 prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund",
22 as hereby created in the state treasury. The state treasurer shall administer the veterans'
23 commission capital improvement trust fund, and the moneys in such fund shall be used solely,
24 upon appropriation, by the Missouri veterans' commission for:

25 (a) The construction, maintenance or renovation or equipment needs of veterans' homes
26 in this state;

27 (b) The construction, maintenance, renovation, equipment needs and operation of
28 veterans' cemeteries in this state;

29 (c) Fund transfers to Missouri veterans' homes fund established pursuant to the

30 provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund; and

31 (d) Fund transfers to any municipality with a population greater than four hundred
32 thousand and located in part of a county with a population greater than six hundred thousand in
33 this state which has established a fund for the sole purpose of the restoration, renovation and
34 maintenance of a memorial or museum or both dedicated to World War I. Appropriations from
35 the veterans' commission capital improvement trust fund to such memorial fund shall be
36 provided only as a one-time match for other funds devoted to the project and shall not exceed
37 five million dollars. Additional appropriations not to exceed ten million dollars total may be
38 made from the veterans' commission capital improvement trust fund as a match to other funds
39 for the new construction or renovation of other facilities dedicated as veterans' memorials in the
40 state. All appropriations for renovation, new construction, reconstruction, and maintenance of
41 veterans' memorials shall be made only for applications received by the Missouri veterans'
42 commission prior to July 1, 2004.

43

44 Any interest which accrues to the fund shall remain in the fund and shall be used in the same
45 manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding
46 the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission
47 capital improvement trust fund at the end of any biennium shall not be transferred to the credit
48 of the general revenue fund;

49 (3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and
50 each fiscal year thereafter shall be distributed as follows:

51 (a) Three million dollars shall be transferred to the veterans' commission capital
52 improvement trust fund;

53 (b) Three million dollars shall be transferred to the Missouri national guard trust fund
54 created in section 41.214, RSMo;

55 (c) Three million dollars shall be transferred to the Missouri college guarantee fund,
56 established pursuant to the provisions of section 173.248, RSMo, and additional moneys as
57 annually appropriated by the general assembly shall be appropriated to such fund;

58 (d) Subject to appropriations, one hundred percent of remaining net proceeds in the
59 gaming commission fund except as provided in paragraph (l) of this subdivision, shall be
60 transferred to the "Early Childhood Development, Education and Care Fund" which is hereby
61 created to give parents meaningful choices and assistance in choosing the child-care and
62 education arrangements that are appropriate for their family. All interest received on the fund
63 shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys
64 in the fund at the end of any biennium shall not be transferred to the credit of the general revenue
65 fund. Any moneys deposited in such fund shall be used to support programs that prepare

66 children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section
67 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood
68 development, education and care fund shall be annually appropriated for voluntary, early
69 childhood development, education and care programs serving children in every region of the
70 state not yet enrolled in kindergarten;

71 (e) No less than sixty percent of moneys deposited in the early childhood development,
72 education and care fund shall be appropriated as provided in this paragraph to the department of
73 elementary and secondary education and to the department of social services to provide early
74 childhood development, education and care programs through competitive grants to, or contracts
75 with, governmental or private agencies. Eighty percent of such moneys pursuant to the
76 provisions of this paragraph and additional moneys as appropriated by the general assembly shall
77 be appropriated to the department of elementary and secondary education and twenty percent of
78 such moneys pursuant to the provisions of this paragraph shall be appropriated to the department
79 of social services. The departments shall provide public notice and information about the grant
80 process to potential applicants.

81 a. Grants or contracts may be provided for:

82 (i) Start-up funds for necessary materials, supplies, equipment and facilities; and

83 (ii) Ongoing costs associated with the implementation of a sliding parental fee schedule
84 based on income;

85 b. Grant and contract applications shall, at a minimum, include:

86 (i) A funding plan which demonstrates funding from a variety of sources including
87 parental fees;

88 (ii) A child development, education and care plan that is appropriate to meet the needs
89 of children;

90 (iii) The identity of any partner agencies or contractual service providers;

91 (iv) Documentation of community input into program development;

92 (v) Demonstration of financial and programmatic accountability on an annual basis;

93 (vi) Commitment to state licensure within one year of the initial grant, if funding comes
94 from the appropriation to the department of elementary and secondary education and
95 commitment to compliance with the requirements of the department of social services, if funding
96 comes from the department of social services; and

97 (vii) With respect to applications by public schools, the establishment of a parent
98 advisory committee within each public school program;

99 c. In awarding grants and contracts pursuant to this paragraph, the departments may give
100 preference to programs which:

101 (i) Are new or expanding programs which increase capacity;

(ii) Target geographic areas of high need, namely where the ratio of program slots to children under the age of six in the area is less than the same ratio statewide;

(iii) Are programs designed for special needs children;

(iv) Are programs that offer services during nontraditional hours and weekends; or

(v) Are programs that serve a high concentration of low-income families;

d. Beginning on August 28, 1998, the department of elementary and secondary education and the department of social services shall initiate and conduct a four-year study to evaluate the impact of early childhood development, education and care in this state. The study shall consist of an evaluation of children eligible for moneys pursuant to this paragraph, including an evaluation of the early childhood development, education and care of those children participating in such program and those not participating in the program over a four-year period. At the conclusion of the study, the department of elementary and secondary education and the department of social services shall, within ninety days of conclusion of the study, submit a report to the general assembly and the governor, with an analysis of the study required pursuant to this subparagraph, all data collected, findings, and other information relevant to early childhood development, education and care;

(f) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be used for supplementing the competitive grants and contracts program authorized pursuant to paragraph (e) of this subdivision;

(g) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to increase reimbursements to child-care facilities for low-income children that are accredited by a recognized, early childhood accrediting organization;

(h) No less than ten percent of the funds deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide assistance to eligible parents whose family income does not exceed one hundred eighty-five

percent of the federal poverty level who wish to care for their children under three years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods;

(i) In setting the value of parental certificates under paragraph (f) of this subdivision and payments under paragraph (h) of this subdivision, the department of social services may increase the value based on the following:

a. The adult caretaker of the children successfully participates in the parents as teachers program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the department;

b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo; and

c. The degree of economic need of the family;

(j) The department of elementary and secondary education and the department of social services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for the implementation of the early childhood development, education and care programs as provided in paragraphs (e) through (i) of this subdivision;

(k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in paragraph (j) of this subdivision shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

(l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of

174 this subdivision, in the gaming commission fund annually exceeds twenty-seven million dollars,
175 one and one-half million dollars of such proceeds shall be transferred annually, subject to
176 appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of
177 section 173.248, RSMo;

178 **(4) Notwithstanding any other provision of this section to the contrary, the first ten**
179 **million dollars of additional moneys generated by the increase of the excursion boat**
180 **admission fee pursuant to section 313.820 from two dollars to three dollars and transferred**
181 **to the veteran's commission capital improvement trust fund shall be dedicated to the**
182 **restoration, renovation and maintenance of a memorial museum, or both, dedicated to**
183 **World War I and located in any municipality with a population greater than four hundred**
184 **thousand and in part of a county with a population greater than six hundred thousand;**
185 **and the next fifty thousand dollars of additional moneys generated by said increase of the**
186 **excursion boat admission fee transferred to the veteran's commission capital improvement**
187 **trust fund shall be dedicated to any veterans' memorial project operated in any fourth-**
188 **class city with a population greater than thirty thousand but less than thirty-one thousand**
189 **located in a county of the first classification with a charter form of government and a**
190 **population greater than six hundred thousand and less than seven hundred thousand; and**
191 **all additional moneys generated by said increase in the excursion boat admission fee**
192 **thereafter shall be dedicated to the veterans' commission capital improvement trust fund**
193 **as otherwise provided by subdivision (2) of subsection 1 of this section.**

194 2. Upon request by the veterans' commission, the general assembly may appropriate
195 moneys from the veterans' commission capital improvements trust fund to the Missouri national
196 guard trust fund to support the activities described in section 41.958, RSMo.